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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Street P.O. Box 45120 Salt Lake City, UT 84145-0120				
EXAMINER				
A. PHU DIEU TRAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,816

Applicant(s)

PRINCE ET AL.

Examiner

PHI D. A

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357).

Goldhaber (figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (16) configured to entirely frame an interior facing surface of a window opening, the core substrate comprising a thickness, said elongate core substrate having an lateral plate (50) perpendicularly and a flange (52) perpendicularly coupled to the lateral plate, the flange dividing the plate into a first portion and a second portion, the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall, a connecting channel (70) coupled to a first portion of a first face of said flange and to said first portion of the lateral plate, a window covering (10) coupled a second portion of said first face of said flange, the second portion of the flange is configured to retain at least a portion of the window covering, a decorative covering (figure 2, the part below part 14 and part 12) abutting both a second face of the flange and the second portion of said lateral plate, the covering substantially conceals said second face of the flange and the second portion of the lateral plate, the second portion of the first face of the flange is configured to retain a hinge attached to the window covering, the decorative covering comprising wood.

Goldhaber does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr. (6588159).

Goldhaber as modified shows all the claimed limitations except for substrate comprising at least one material having an elastic modulus greater than 2.3E.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified by Cotton Jr. shows the substrate having at least one material having an elastic modulus greater than 2.3E (per the property of sheet metal).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber in view of Cotton Jr. (6588159).

Goldhaber as modified shows all the claimed limitations except for substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified by Cotton Jr. shows the substrate being formed of metal.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of McLaughlin (5490353).

Goldhaber as modified shows all the claimed limitations except for the window covering comprising a shutter.

Goldhaber further discloses the window covering can be for a variety of window openings (col 4 lines 60-67).

McLaughlin discloses a shutter on a window covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show a shutter on a window covering as taught by McLaughlin because it allows for the easy control of lighting within the housing structure.

9. Claims 8, 10-11, 13-16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr.

Goldhaber (figures 1-2) shows an interior window covering frame assembly for entirely framing an interior facing of a window opening, the assembly comprising an elongate core substrate (16), the substrate having a thickness with a modulus of elasticity, the elongate core substrate having an lateral plate (50) and a flange perpendicularly coupled to the lateral plate, the plate is configured to be coupled in a parallel fashion to an adjacent wall (12), the flange is configured to extend out from the wall and to retain a hinge that is coupled to a decorative covering, a connecting channel (66) coupled to a second portion of the lateral plate and to a first portion of the flange, a window covering (10) coupled to a second portion of the flange, a decorative window covering (the part in figure 2 right below part 14 and part 12) abutting at least a second portion of said lateral plate and a third portion of said flange , the decorative covering conceals the second portion of the lateral plate and the third portion of the flange, a cross sectional shape of the substrate corresponds to a Z-shape, the decorative covering comprising wood.

Goldhaber does not show the core substrate having a thickness of less than 5/16 inch, and comprising a material having an elastic modulus greater than 2.3E, the substrate being formed of metal.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's structure to show the core substrate having a thickness of less than 5/16 inch, the bracket being formed of sheet metal as taught by Cotton Jr. because it would

have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall, and sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified further shows the substrate having an elastic modulus greater than 2.3E per the material being sheet metal.

Per claims 10, 15, Goldhaber as modified shows the substrate being formed of metal.

Per claim 18, Goldhaber as modified shows all the claimed structural limitations. The claimed method steps would have been the obvious methods steps of anchoring Goldhaber's modified covering to the interior facing surface of an interior window.

10. Claims 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr. as applied to claim 8 or 13 above and further in view of McLaughlin (5490353).

Goldhaber as modified shows all the claimed limitations except for the window covering comprising a shutter.

Goldhaber further discloses the window covering can be for a variety of window openings (col 4 lines 60-67).

McLaughlin discloses a shutter on a window covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show a shutter on a window covering as taught by McLaughlin because it allows for the easy control of lighting within the housing structure.

11. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni (4974366).

Tizzoni (figures 2, 4) shows an interior window covering frame assembly(certainly can function as an interior window covering) for entirely framing an interior facing of a window opening, the assembly comprising an elongate core substrate configured to frame at least a portion of a window opening, the substrate comprising a thickness, said substrate having a lateral plate (26) and a flange (22) perpendicularly coupled to the lateral plate, the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall and to retain a hinge (H) attached to the window covering, a connecting channel (24) coupled to a second portion (32) of the lateral plate and to a first portion (the top part of 22, figure 4) of said flange, window covering (36) coupled to a second portion of said flange (indirectly through part H and 24), a decorative covering(30) abutting at least a second portion of said lateral plate and a third portion of the flange, wherein the decorative covering conceals the second portion of the lateral plate and the third portion of the flange, the substrate is formed of a material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic, the decorative covering comprising a material selected from the group consisting of wood, plastic, wood composite, cloth and paint, the cross sectional shape of the substrate corresponds to a shape of a T.

Tizzoni does not show the thickness being less than 5/16 inch..

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tizzoni's structure to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the

thickness being 5/16 inch as long as the thickness is able to hold the window covering' in place to the wall.

11. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni (4974366).

Tizzoni (figures 2, 4) shows an interior window covering frame assembly comprising a window having an associated window jamb and adjacent wall, a frame substrate configured to entirely frame an interior facing surface of an opening of said window, the substrate comprising a lateral plate (22) and a flange (26) perpendicularly coupled to the lateral plate, the flange dividing the lateral plate into a first portion and a second portion, the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall, a connecting channel (24) coupled to the frame substrate wherein the connecting channel is configured to be coupled to a perpendicularly oriented connecting channel along a second elongate lateral plate, a window covering (36) coupled to the frame substrate, a decorative covering(30) coupling to the frame substrate to substantially conceal at least a portion of the frame substrate, the substrate is formed of a material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic, the decorative covering comprising a material selected from the group consisting of wood, plastic, wood composite, cloth and paint, the cross sectional shape of the substrate corresponds to a shape of a T.

Tizzoni does not show the thickness being less than 5/16 inch..

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tizzoni's structure to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the

thickness being 5/16 inch as long as the thickness is able to hold the window covering' in place to the wall.

Response to Arguments

15. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/
Primary Examiner, Art Unit 3633

Phi Dieu Tran A
30/10/0810/27/08